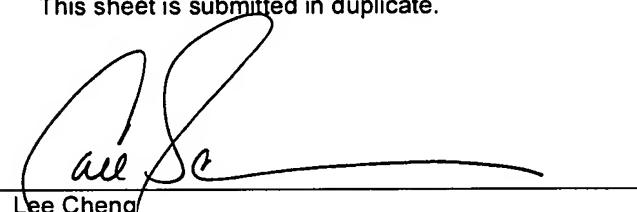
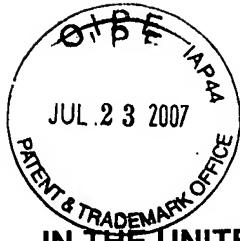




TRANSMITTAL OF APPEAL BRIEF		Docket No. LUN-0200
In re Application of: Mingzhi Li et al.		
Application No. 10/025,790-Conf. #5866	Filing Date December 26, 2001	Examiner J. Joo
Group Art Unit 2154		
Invention: METHOD AND SYSTEM FOR NETWORK BASED SELF-HELP SERVICE		
<u>TO THE COMMISSIONER OF PATENTS:</u>		
Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: <u>July 23, 2007</u>		
The fee for filing this Appeal Brief is <u>\$ 250.00</u>		
<input type="checkbox"/> Large Entity <input checked="" type="checkbox"/> Small Entity		
<input checked="" type="checkbox"/> A petition for extension of time is also enclosed.		
The fee for the extension of time is <u>\$ 510.00</u>		
<input type="checkbox"/> A check in the amount of _____ is enclosed.		
<input checked="" type="checkbox"/> Charge the amount of the fee to Deposit Account No. <u>18-0013</u> . This sheet is submitted in duplicate.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. <u>18-0013</u> . This sheet is submitted in duplicate.		
 Lee Cheng Attorney Reg. No.: 40,949		Dated: <u>July 23, 2007</u>
Carl Schaukowitch Attorney Reg. No.: 29,211		
RADER, FISHMAN & GRAUER PLLC 1233 20th Street, N.W. Suite 501 Washington, DC 20036 (202) 955-3750		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mingzhi LI et al.

Application No.: 10/025,790

Filed: December 26, 2001

For: **METHOD AND SYSTEM FOR
NETWORK BASED SELF-HELP
SERVICE**

Attorney Docket No.: LUN-0200

Group Art Unit: 2154

Examiner: J. Joo

Confirmation No.: 5866

APPEAL BRIEF

MS APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Under 37 C.F.R. §41.37, this Appeal Brief is in furtherance of the Notice of Appeal, filed in the above-identified application concurrently herewith, and appeals the final decision of the Examiner in the final Office Action dated January 23, 2007. The period for filing these documents is extended to July 23, 2007, by the Petition for Extension of Time filed herewith.

The fees required under § 41.20 and any required petition for extension of time for filing this brief and fees therefor, are provided in the accompanying Transmittal of Appeal Brief. Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

In compliance with 37 C.F.R. §41.37(a)(1), one (1) copy of this Appeal Brief is hereby filed.

07/24/2007 MAHMED1 00000049 180013 10025790
02 FC:2402 250.00 DA

This brief contains items under the following headings as required by 37 C.F.R. § 41.37:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Arguments
- VIII. Claims
- IX. Evidence
- X. Related Proceedings
- XI. Conclusion

Claims Appendix

Drawing Figures Appendix (Figures 1-7 and 9-12)

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Tianjin Nankai Guard Group Co. of Tianjin, China ("Tianjin") is the real party in interest of the present application. An assignment of all rights in the present invention to Tianjin was executed by the inventors and recorded by the United States Patent and Trademark Office on reel 012406, frame 0976.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claim 1	(rejected)	now being appealed
Claim 2	(rejected)	now being appealed
Claim 3	(canceled)	
Claim 4	(rejected)	now being appealed
Claim 5	(rejected)	now being appealed
Claim 6	(rejected)	now being appealed
Claim 7	(rejected)	now being appealed
Claims 8 - 16	(canceled)	
Claim 17	(rejected)	now being appealed

IV. STATUS OF AMENDMENTS

An Amendment under 37 C.F.R. §1.111 in which claims 8-16 were canceled and claims 1-6 were amended was filed on January 29, 2006, subsequent to the first Office Action dated October 20, 2005. Applicants filed an Amendment After Final Rejection under 37 C.F.R. §1.116 on May 25, 2006, canceling claim 3, amending claim 1 and adding claim 17 in response to the final Office Action dated March 27, 2006. The Examiner responded to the Amendment After Final Rejection in an Advisory Action mailed June 20, 2006, which states that the proposed amendments will NOT be entered for purposes of Appeal. A Request for Continued Examination was filed on July 26, 2006. An Amendment under 37 C.F.R. §1.111 in which claims 1 and 17 were amended was filed on December 13, 2006, subsequent to the non-final Office Action dated September 14, 2006. The Examiner responded to this Amendment by issuing a final Office Action mailed January 23, 2007, again rejecting the pending claims.

Accordingly, claims 1, 2, 4 -7 and 17 attached hereto in Appendix A are under appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a network based self-help system is constructed of a network communication system (page 6, lines 28 and 29, page 6, last line, page 7, lines 20 and 21, lines 23 and 24; Figures 6, 7) connecting a network management center (page 5, lines 26, 29, 31, 33, page 7, lines 7, 21, 22, 27 and 28, 31 and 32, page 9, line 24; Figures 1, 2, 7, 9) and a plurality of customer terminals (page 5, line 26, page 6, lines 3, 7, page 7, lines 9, 10, 20, 37 and 38, page 8, line 34, page 9, lines 8, 10; Figures 1, 2, 7, 11). The network management center in the system is comprised of hardware portions and software portions.

The hardware portions include a network center server (page 5, line 34; Figure 2), auxiliary PCs (page 5, line 35; Figure 2) or an embedded operation system (page 5, line 35), network equipment including network cards (page 5, line 36; Figure 2) in server and network cables (page 5, line 36; Figure 2).

The software portions include an information data database (page 5, line 37, page 7, lines 5, 21; Figures 1, 2, 7, 9), a network management database (page 5, line 37, page 7, lines 27, 21; Figures 1, 2, 7, 9), an electronic business database (page 5, line 37, page 6, line 1, page 7, lines 6, 24; Figures 1, 2, 7, 9), management software (page 6, line 1), encrypt key authentication and an information safety software package (page 6, lines 1 and 2) including a firewall (page 6, line 2; Figure 2) or VPN system (page 6, line 2).

The customer terminal is comprised of a customer terminal host (page 6, lines 8, 13, 31, 32, 35, page 7, lines 4, 9, 25, 27, 29 and 30, 31, 32, page 8, lines 1, 3, 29, page 9, line 13; Figures 3, 9, 10) and a plurality of customer terminal slaves (reference number I, II, III, IV; page 6, lines 9-10, 23, 36, page 7, lines 4, 10, page 8, lines 36, page 9, line 2; Figures 1, 3, 9, 10, 11, 12). The customer terminal slaves are chosen according to the requirements of a local user and are composed with a plurality of terminal server cabinets (page 6, line 8; Figure 3) constructed in a building block architecture and providing different service items and contents. The network communication system is comprised of the Internet (page 5, lines 27, 32, page 6, lines 3, 30, page 7, line 1; Figures 1, 2, 6, 7), a wired or wireless local area network

(page 5, lines 27, 28, page 6, lines 3, 30; Figures 1, 6, 7) and computer buses (page 7, line 5, page 9, line 15; Figures 6, 7, 12).

Each customer terminal slave and each customer terminal host is in communication with the network management center. The plurality of customer terminal slaves provides a variety of items including merchandise and information for purchase by a customer. The plurality of customer terminal slaves includes a customer terminal slave information dispenser and a customer terminal merchandise dispenser.

The customer terminal host has a host panel (page 6, line 13; Figures 4). The host panel includes a touch screen display (reference number 4-2; page 6, line 15, page 8, lines 1, 3, 9; Figures 4, 9, 10) that is operative for displaying messages or providing information to a customer, a keyboard (reference number 4-11; page 6, line 20, page 7, line 15, page 8, line 1; Figures 4, 9, 10) for inputting data into the customer terminal host, a paper exit (reference number 4-9; page 6, line 20; Figure 4) for dispensing printed paper from a printer contained with the customer terminal host, at least one card exit (reference number 4-12; page 6, line 21; Figure 4), at least one ticket exit (reference number 4-12; page 6, line 22; Figure 4), an IC card reader (reference number I, II; page 6, line 34, page 9, lines 1, 3, 5, 6, 8, 11; Figures 10, 11, 12) or a magcard reader, a small change machine (page 6, lines 33 and 34, page 8, line 37; Figure 6) for dispensing coins and payment means for payment of a selected one of the variety of items purchased with the payment means including a paper currency receiver (page 6, lines 16 and 17, page 6, line 33; Figure 6) for receiving paper currency from a customer and a card receiver for receiving value storing cards or value adding cards.

When the customer selects information as the selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates an information service request and transmits the information service request to the network management center. The network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host. The customer terminal host

then performs payment settlement according to the selected payment means. The customer terminal slave information dispenser provides the information to the customer. When the customer selects merchandise as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates real time terminal messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave, a request for the merchandise and an amount of currency remaining at the customer terminal host. The customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data. The network management database sends a result to the customer terminal host. The customer terminal host settles payment according to the selected one of the payment means. The selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise. When the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center. The network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host. The customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

Claim 17 is directed to a network-based self-help system that includes a network management center (page 5, lines 26, 29, 31, 33, page 7, lines 7, 21, 22, 27 and 28, 31 and 32, page 9, line 24; Figures 1, 2, 7, 9) and a plurality of customer terminals (page 5, line 26, page 6, lines 3, 7, page 7, lines 9, 10, 20, 37 and 38, page 8, line 34, page 9, lines 8, 10; Figures 1, 2, 7, 11) in communication with the network management center via a network communication system (page 6, lines 28 and 29, page 6, last line, page 7, lines 20 and 21, lines 23 and 24; Figures 6, 7).

The network management center includes a network center server (page 5, line 34; Figure 2) that is operative with an information data database (page 5, line 37, page 7, lines 5, 21; Figures 1, 2, 7, 9), a network management database (page 5, line 37, page 7, lines 27, 21; Figures 1, 2, 7, 9) and an electronic business database (page 5, line 37, page 6, line 1, page 7, lines 6, 24; Figures 1, 2, 7, 9).

Each one of the plurality of customer terminals includes a customer terminal host (page 6, lines 8, 13, 31, 32, 35, page 7, lines 4, 9, 25, 27, 29 and 30, 31, 32, page 8, lines 1, 3, 29, page 9, line 13; Figures 3, 9, 10) and a plurality of customer terminal slaves (reference number I, II, III, IV; page 6, lines 9-10, 23, 36, page 7, lines 4, 10, page 8, lines 36, page 9, line 2; Figures 1, 3, 9, 10, 11, 12) in communication with the customer terminal host. Each customer terminal host and each customer terminal slave is in communication with the network management center. The plurality of customer terminal slaves provides a variety of items including merchandise and information for purchase by a customer. The plurality of customer terminal slaves includes a customer terminal slave information dispenser, a customer terminal slave food dispenser (reference number III; page 6, line 11; Figure 3) containing food, a customer terminal slave beverage dispenser (reference number II; page 6, lines 10 and 11; Figure 3) containing beverages and a customer terminal slave card or ticket dispenser (reference number I; page 6, line 10; Figure 3) with at least the customer terminal slave beverage dispenser having a temperature adjuster (reference number 5-4; page 6, line 26; Figure 5) for adjusting temperature of the beverages contained in the customer terminal slave beverage dispenser.

The customer terminal host has a host panel (page 6, line 13; Figures 4) that includes a touch screen display (reference number 4-2; page 6, line 15, page 8, lines 1, 3, 9; Figures 4, 9, 10) that is operative for displaying messages or providing information to a customer, a keyboard (reference number 4-11; page 6, line 20, page 7, line 15, page 8, line 1; Figures 4, 9, 10) for inputting data into the customer terminal host, a paper exit (reference number 4-9; page 6, line 20; Figure 4) for dispensing printed paper from a printer contained with the customer terminal host, at least one card exit (reference number 4-12; page 6, line 21; Figure 4), at least one

ticket exit (reference number 4-12; page 6, line 22; Figure 4), an IC card reader (reference number I, II; page 6, line 34, page 9, lines 1, 3, 5, 6, 8, 11; Figures 10, 11, 12) or a magcard reader, a small change machine (page 6, lines 33 and 34, page 8, line 37; Figure 6) for dispensing coins and payment means for payment of a selected one of the variety of items purchased. The payment means includes a paper currency receiver (page 6, lines 16 and 17, page 6, line 33; Figure 6) for receiving paper currency from a customer and a card receiver for receiving value storing cards or value adding cards.

When the customer selects information as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates an information service request and transmits the information service request to the network management center. The network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host. The customer terminal host then performs payment settlement according to the selected payment means. The customer terminal slave information dispenser provides the information to the customer.

When the customer selects merchandise as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates real time terminal messages that include terminal information data about the merchandise stored and available to the customer at the customer terminal slave. A request for the merchandise and an amount of currency remain at the customer terminal host. The customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data. The network management database sends a result to the customer terminal host. The customer terminal host settles payment according to the selected one of the payment means. The selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise.

When the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center. The network management center correspondingly modifies data in the electronic business database and sends the result to the customer terminal host. The customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as unpatentable over Guheen et al. (U.S. Patent Application Publication No. 2004/0107125) in view of Roerick. (U.S. Patent Application Publication No. 2002/0097715), McKinney et al. (U.S. Patent Application Publication No. 2005/0188009) and McGarry (U.S. Patent No. 6,038,491).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over Guheen, Roerick, McKinney and McGarry in view of Rademacher (U.S. Patent No. 5,450,938).

Claim 17 is rejected under 35 U.S.C. 103(a) as unpatentable over Guheen in view of Roerick, Schanin (U.S. Patent Application Publication No. 2004/0000154), Rademacher and McGarry.

VII. ARGUMENTS

A. Rejection of Claims 1, 2, 6 and 7 under 35 U.S.C. §103

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as unpatentable over Guheen et al. (U.S. Patent Application Publication No. 2004/0107125) in view of

Roerick. (U.S. Patent Application Publication No. 2002/0097715), McKinney et al. (U.S. Patent Application Publication No. 2005/0188009) and McGarry (U.S. Patent No. 6,038,491). The rejection is respectfully traversed.

Guheen discloses a computer-implemented system and method for identifying alliances among a plurality of components in a network. The computer-implemented system is adapted for automatically dispensing information, goods and services to a customer on a self-service basis including a central data processing center in which information on services offered is stored. Self-service information sales terminals are remotely linked on-line to the central data processing center and are programmed to gather information from prospective customers on goods and services desired, to transmit to customers information on the desired goods or services from the central data processing center, to take orders for goods or services from customers and transmit them for processing to the central data processing center, to accept payment, and to deliver goods or services in the form of documents to the customer when orders are completed. The central data processing center is also remotely linked to institutions, such as insurance companies, serviced by the system to keep the institution updated on completed sales of services offered by that institution. As noted, the terminals in this system are on-line with the central data processing center.

Roerick discloses a message format for communicating financial information. A transmission message has a fixed terminal information segment with a field defining the format of a variable field authorization segment and with a field defining the format of a variable field service payload segment. The fixed terminal information segment has other fields defining parameters of a terminal from which the transmission message is transmitted. The authorization segment has fields defining a method of payment by a user of the terminal. The service payload segment has fields defining the goods or services desired to be purchased by the user.

McKinney teaches a highly-availability parallel processing server that utilizes a scalable building-block architecture. The building-block design reduces development efforts due to block reuse in related architecture designs.

McGarry teaches a monitoring and reporting system using cellular carriers. A vending machine capable of communicating with a central station using any one of multiple cellular carriers includes a telemetry device. The telemetry device includes a cellular transceiver, a digital signal processor-based modem, and memory storing software corresponding to protocols for each of the cellular carriers. The telemetry device can be reconfigured, in response to signals received from the central station using a first one of the cellular carriers, to transmit and receive signals subsequently using a second one of the cellular carriers. Software code residing in memory associated with a sub-unit of a vending machine can also be upgraded or otherwise modified by transmitting segments of software code from a remote station to a telemetry device in the vending machine using a cellular carrier, assembling the segments of software code in the telemetry device, and routing the assembled software code to a designated one of the sub-units of the vending machine.

Claim 1 is directed to a network based self-help system, constructed by a network communication system connecting a network management center and a plurality of customer terminals. The network management center in the system is comprised of hardware portions including a network center server, auxiliary PCs or an embedded operation system, network equipment including network cards in server and network cables and software portions including an information data database, a network management database, an electronic business database, management software, encrypt key authentication and an information safety software package including a firewall or VPN system. The customer terminal is comprised of a customer terminal host and a plurality of customer terminal slaves. The customer terminal slaves are chosen according to the requirements of a local user and are composed with a plurality of terminal server cabinets constructed in a building block architecture and providing different service items and contents. The network communication system is comprised of the Internet, a wired or wireless local area network and computer buses.

Claim 1 recites that each customer terminal slave and each customer terminal host are in communication with the network management center with the plurality of

customer terminal slaves providing a variety of items including merchandise and information for purchase by a customer and with the plurality of customer terminal slaves including a customer terminal slave information dispenser and a customer terminal merchandise dispenser. Claim 1 recites that the customer terminal host has a host panel with the host panel including a touch screen display operative for displaying messages or providing information to a customer, a keyboard for inputting data into the customer terminal host, a paper exit for dispensing printed paper from a printer contained with the customer terminal host, at least one card exit, at least one ticket exit, an IC card reader or a magcard reader, a small change machine for dispensing coins and payment means for payment of a selected one of the variety of items purchased, the payment means including a paper currency receiver for receiving paper currency from a customer and a card receiver for receiving value storing cards or value adding cards.

Additionally, claim 1 recites that, when the customer selects information as the selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates an information service request and transmits the information service request to the network management center, the network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host, the customer terminal host then performs payment settlement according to the selected payment means and the customer terminal slave information dispenser provides the information to the customer.

Additionally, claim 1 recites that, when the customer selects merchandise as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates real time terminal messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave, a request for the merchandise and an amount of currency remaining at the customer terminal host, the customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data, the

network management database sends a result to the customer terminal host, the customer terminal host settles payment according to the selected one of the payment means and the selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise.

Furthermore, claim 1 recites that, when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host, the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

In rejecting claims under 35 U. S. C. 103, the United States Patent and Trademark Office bears the initial burden of presenting a *prima facie* case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. "A *prima facie* case of obviousness is established if the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." In re Bell, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) quoting In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (CCPA 1776). The mere fact that the prior art *may* be modified in the manner suggested by the Examiner neither makes the modification *prima facie* obvious or obvious unless the prior art suggested the desirability of the modification. The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. The conclusion that the claimed subject matter is obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led the individual to combine the relevant teachings of the references to arrive at the claimed invention. If the Examiner fails to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned.

It is respectfully submitted that there must be motivation for one skilled in the art to combine the teachings of the references, i.e., a basis in the art for combining or modifying references. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

The motivation presented by the United States Patent and Trademark Office is derived from the claimed invention, not the applied art. Based upon the benefits of the claimed invention, the United States Patent and Trademark Office improperly establishes motivation because it is found in the claimed invention and not in the applied art. The United States Patent and Trademark Office must show motivation to combine the applied art in view of the applied art themselves, not by showing the benefits of the claimed invention itself. The United States Patent and Trademark Office fails to establish why one of ordinary skill in the art would combine the teachings of the four (4) cited references to arrive at the claimed invention.

MPEP 2143.01 states that the prior art must suggest the desirability of the claimed invention. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

It is respectfully submitted that the Examiner fails to identify a persuasive suggestion to combine the teachings of the references. **“Identification in the prior art of each individual part claimed is insufficient to defeat patentability to the whole claimed invention.”** In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000) (citing In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998)). “Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the

applicant." Id., 55 USPQ2d at 1316 (citing In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998) and In re Gordon, 733 F.2d 900, 902, 221 USQP 1125, 1127 (Fed. Cir. 1984). "The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular. See, e.g., C.R. Bard, 157 F.3d at 1352, 48 USPQ2d at 1232. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" Id., 50 USPQ2d 1576 at 1617 (citing McElmurry v. Arkansas Power & Light Co., 995 f.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) and In re Sichert, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977).

Thus, it is respectfully submitted that the United States Patent and Trademark Office fails to properly establish any motivation for one of ordinary skill in the art to combine the features of the applied art to arrive at the claimed invention. To the contrary, the motivation asserted by the United States Patent and Trademark Office is actually found in the claimed invention.

The conclusion that the claimed subject matter is obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led the individual to combine the relevant teachings of the reference to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968).

In view of the above, it is respectfully submitted that claim1 is allowable over the applied art.

Claims 2, 6 and 7 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

B. Rejection of Claims 4 and 5 under 35 U.S.C. §103

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over Guheen, Roerick, McKinney and McGarry in view of Rademacher (U.S. Patent No. 5,450,938). The rejection is respectfully traversed.

Rademacher discloses a card or cash actuated vending machine. A bank of vending machines has an associated debit card reader or vend card reader, with its associated card reader controller. The card reader controller interfaces between the money handling mechanism of one or more of the vending machines, and the vending machine controller circuitry. The vending machine controller does not connect directly to the money accepting or change making equipment. As an incentive to stimulate card purchases rather than cash purchases, the card reader controller can credit the card holder with bonus points when purchases are made. These can be discounts and added directly into the card purchase credit balance, or can be bonus points to be recorded in a separate field on the vend card, and separately redeemed.

Claims 4 and 5 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

C. Rejection of Claim 17 under 35 U.S.C. §103

Claim 17 is rejected under 35 U.S.C. 103(a) as unpatentable over Guheen in view of Roerick, Schanin (U.S. Patent Application Publication No. 2004/0000154), Rademacher and McGarry. The rejection is respectfully traversed.

Schanin reveals a refrigerated vending machine for dispensing items such as soda cans or other beverage containers that includes a power source and a cooling system.

Claim 17 is directed to a network-based self-help system that includes a network management center and a plurality of customer terminals in communication with the network management center via a network communication system. Claim 17 recites that the network management center includes a network center server that is operative with an information data database, a network management database and an electronic business database.

Claim 17 recites that each one of the plurality of customer terminals includes a customer terminal host and a plurality of customer terminal slaves in communication with the customer terminal host. Claim 17 recites that each customer terminal host and each customer terminal slave is in communication with the network management center. Claim 17 recites that the plurality of customer terminal slaves provides a variety of items including merchandise and information for purchase by a customer. Claim 17 recites that the plurality of customer terminal slaves includes a customer terminal slave information dispenser, a customer terminal slave food dispenser containing food, a customer terminal slave beverage dispenser containing beverages and a customer terminal slave card or ticket dispenser with at least the customer terminal slave beverage dispenser having a temperature adjuster for adjusting temperature of the beverages contained in the customer terminal slave beverage dispenser.

Additionally, claim 7 recites that the customer terminal host has a host panel that includes a touch screen display that is operative for displaying messages or providing information to a customer, a keyboard for inputting data into the customer terminal host, a paper exit for dispensing printed paper from a printer contained with the customer terminal host, at least one card exit, at least one ticket exit, an IC card reader or a magcard reader, a small change machine for dispensing coins and payment means for payment of a selected one of the variety of items purchased. Claim 17 recites that the payment means includes a paper currency receiver for receiving paper currency from a customer and a card receiver for receiving value storing cards or value adding cards.

Further, claim 7 recites that when the customer selects information as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates an information service request and transmits the information service request to the network management center. Claim 17 recites that the network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host. Claim 17 recites that the customer terminal host then performs payment settlement according to the selected payment means. Claim 17 recites that the customer terminal slave information dispenser provides the information to the customer.

Additionally, claim 17 recites that the when the customer selects merchandise as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates real time terminal messages that include terminal information data about the merchandise stored and available to the customer at the customer terminal slave. Claim 17 recites that a request for the merchandise and an amount of currency remain at the customer terminal host. Claim 17 recites that the customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data. Claim 17 recites that the network management database sends a result to the customer terminal host. Claim 17 recites that the customer terminal host settles payment according to the selected one of the payment means. Claim 17 recites that the selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise.

Additionally, claim 17 recites that the when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center. Claim 17 recites that the network management center correspondingly modifies data in the electronic business database and sends the result to the customer terminal host. Claim 17 recites that

the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

It is respectfully submitted that for the substantive legal reasons set forth above for claim1, claim 17 is also allowable over the applied art.

VIII. CLAIMS

A copy of the claims involved in this appeal is attached hereto in the Claims Appendix.

IX. EVIDENCE

No evidence is being presented and therefore there is no Evidence Appendix.

X. RELATED PROCEEDINGS

None.

XI. CONCLUSION

It is respectfully submitted that the Examiner had failed to establish a *prima facie* case of obviousness for the substantive legal reasons set forth above.

It is respectfully requested the Board overturn the rejection and allow the pending claims.

Respectfully submitted,

Dated: July 23, 2007

By: 
Lee Cheng
Reg. No. 40,949

Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Transmittal of Appeal Brief
 Petition for Extension of Time (three months)
 Notice of Appeal
 Claims Appendix
 Drawing Figures Appendix (Figures 1-7 and 9-12)

CLAIMS APPENDIX

Claims Involved in the Appeal of Application No. 10/025,790

1. (Previously Presented) A network based self-help system, constructed by a network communication system connecting a network management center and a plurality of customer terminals, which is characterized in that said network management center in said system is comprised of hardware portions: a network center server, auxiliary PCs or an embedded operation system, network equipment including network cards in server and network cables, and software portions: an information data database, a network management database, an electronic business database, management software, encrypt key authentication and an information safety software package including a firewall or VPN system; said customer terminal is comprised of a customer terminal host and a plurality of customer terminal slaves, said customer terminal slaves are chosen according to the requirements of a local user and are composed with a plurality of terminal server cabinets constructed in a building block architecture and providing different service items and contents; said network communication system is comprised of the Internet, a wired or wireless local area network and computer buses,

each customer terminal slave and each customer terminal host being in communication with the network management center, the plurality of customer terminal slaves providing a variety of items including merchandise and information for purchase by a customer, the plurality of customer terminal slaves including a customer terminal slave information dispenser and a customer terminal merchandise dispenser,

the customer terminal host having a host panel, the host panel including a touch screen display operative for displaying messages or providing information to a customer, a keyboard for inputting data into the customer terminal host, a paper exit for dispensing printed paper from a printer contained with the customer terminal host, at least one card exit, at least one ticket exit, an IC card reader or a magcard reader,

a small change machine for dispensing coins and payment means for payment of a selected one of the variety of items purchased, the payment means including a paper currency receiver for receiving paper currency from a customer and a card receiver for receiving value storing cards or value adding cards, and

when the customer selects information as the selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates an information service request and transmits the information service request to the network management center, the network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host, the customer terminal host then performs payment settlement according to the selected payment means, the customer terminal slave information dispenser provides the information to the customer,

when the customer selects merchandise as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates real time terminal messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave, a request for the merchandise and an amount of currency remaining at the customer terminal host, the customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data, the network management database sends a result to the customer terminal host, the customer terminal host settles payment according to the selected one of the payment means, the selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise, and

when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends a result to the customer terminal host,

the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

2. (Previously Presented) A network system based self-help service according to claim 1, characterized in that said information data database is comprised of a database storing all kinds of information collected by the network based self-help system for the local public and a dedicated Internet web site.

3. (Canceled)

4. (Previously Presented) A network system based self-help service according to claim 1, characterized in that said customer terminal slaves are comprised of 2-6 cabinets of dispensers or card dispensers or information service machines constructed by way of building block architecture, said customer terminal slaves may provide 6-30 service items.

5. (Previously Presented) A network system based self-help service according to claim 4, characterized in that said dispensers in said customer terminal slaves are food dispensers, beverage dispensers or general merchandise dispensers.

6. (Previously Presented) A network system based self-help service according to claim 4, characterized in that the card dispenser in the said customer terminal slaves is a ticket dispenser, a card dispenser, or a combination of them.

7. (Original) A network system based self-help service according to claim 1 or 4, characterized in that said information service machine is an information query machine, a video telephone set, a printer or a photocopier, or a combination of them.

8. – 16. (Canceled)

17. (Previously Presented) A network-based self-help system, comprising:
a network management center; and
a plurality of customer terminals in communication with the network
management center via a network communication system,

the network management center including a network center server operative
with an information data database, a network management database and an
electronic business database,

each one of the plurality of customer terminals including a customer terminal
host and a plurality of customer terminal slaves in communication with the customer
terminal host, each customer terminal host and each customer terminal slave being
in communication with the network management center, the plurality of customer
terminal slaves providing a variety of items including merchandise and information for
purchase by a customer, the plurality of customer terminal slaves including a
customer terminal slave information dispenser, a customer terminal slave food
dispenser containing food, a customer terminal slave beverage dispenser containing
beverages and a customer terminal slave card or ticket dispenser, at least the
customer terminal slave beverage dispenser having a temperature adjuster for
adjusting temperature of the beverages contained in the customer terminal slave
beverage dispenser,

the customer terminal host having a host panel, the host panel including a
touch screen display operative for displaying messages or providing information to a
customer, a keyboard for inputting data into the customer terminal host, a paper exit
for dispensing printed paper from a printer contained with the customer terminal host,
at least one card exit, at least one ticket exit, an IC card reader or a magcard reader,
a small change machine for dispensing coins and payment means for payment of a
selected one of the variety of items purchased, the payment means including a paper
currency receiver for receiving paper currency from a customer and a card receiver
for receiving value storing cards or value adding cards,

wherein,

when the customer selects information as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates an information service request and transmits the information service request to the network management center, the network management center extracts corresponding information from the information database and returns the corresponding information to the customer terminal host, the customer terminal host then performs payment settlement according to the selected payment means, the customer terminal slave information dispenser provides the information to the customer,

when the customer selects merchandise as a selected one of the variety of items for purchase and one of the payment means, the customer terminal host creates real time terminal messages including terminal information data about merchandise stored and available to the customer at the customer terminal slave, a request for the merchandise and an amount of currency remaining at the customer terminal host, the customer terminal slave transmits the terminal information data to the network management center for modification of the network management database based upon the terminal information data, the network management database sends a result to the customer terminal host, the customer terminal host settles payment according to the selected one of the payment means, the selected merchandise is dispensed to the customer from the customer terminal slave corresponding to the selected merchandise, and

when the customer selects the card receiver for receiving value adding cards as payment means, the customer terminal host modifies value adding card information and sends the modified value adding card information to the network management center, the network management center correspondingly modifies data in the electronic business database and sends the result to the customer terminal host, the customer terminal host then settles payment and the selected one of the items for purchase is dispensed to the customer at the corresponding customer terminal slave.

IX. EVIDENCE APPENDIX

(None)

X. RELATED PROCEEDINGS

(None)

Drawing Figures Appendix

1 / 9

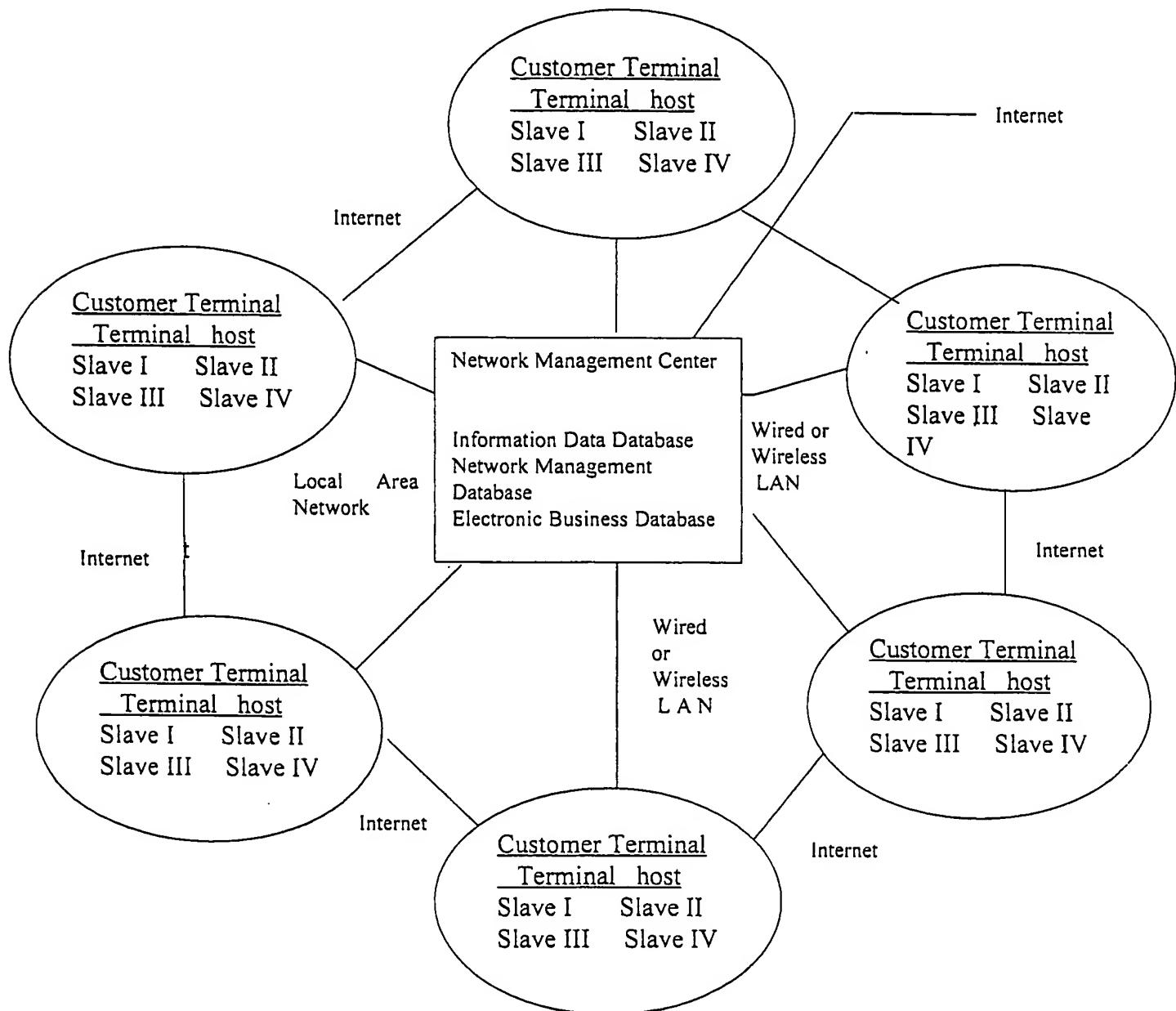


Fig. 1

Drawing Figures Appendix

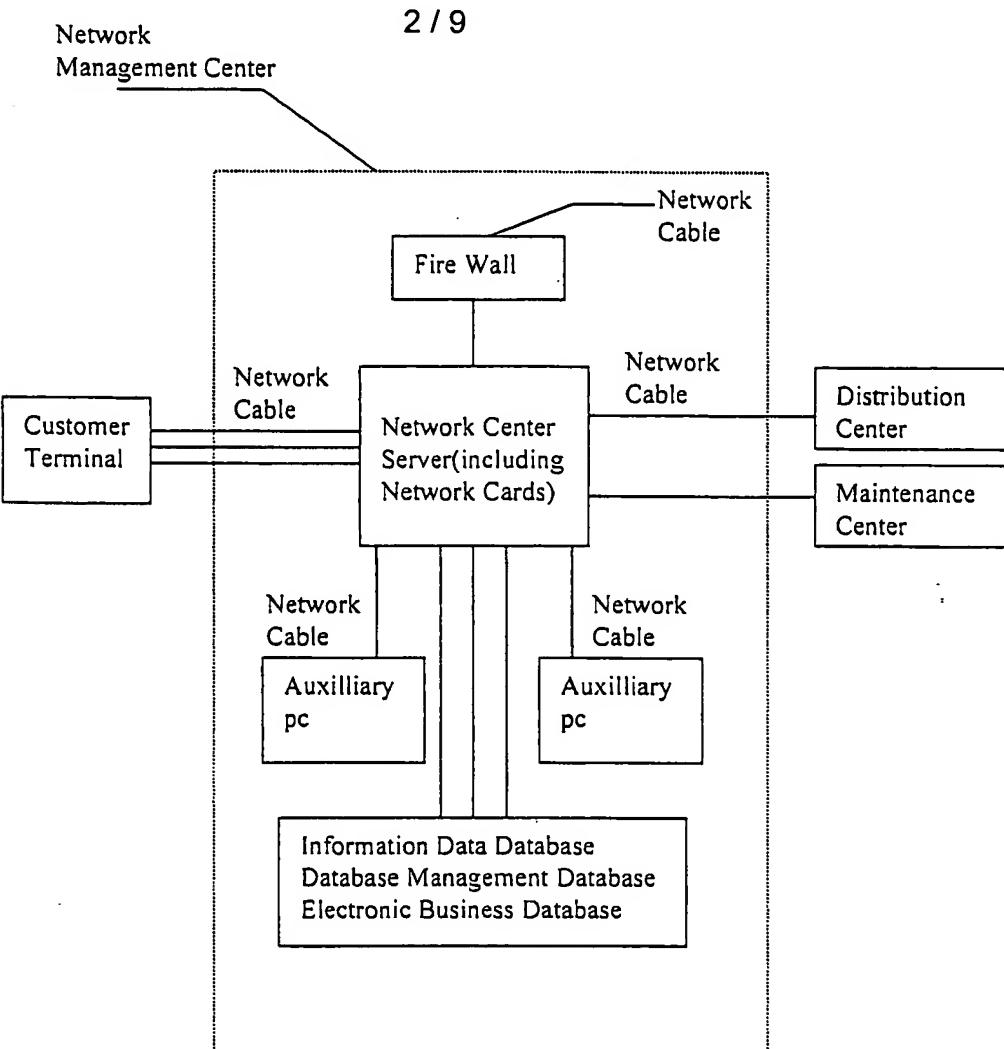


Fig. 2

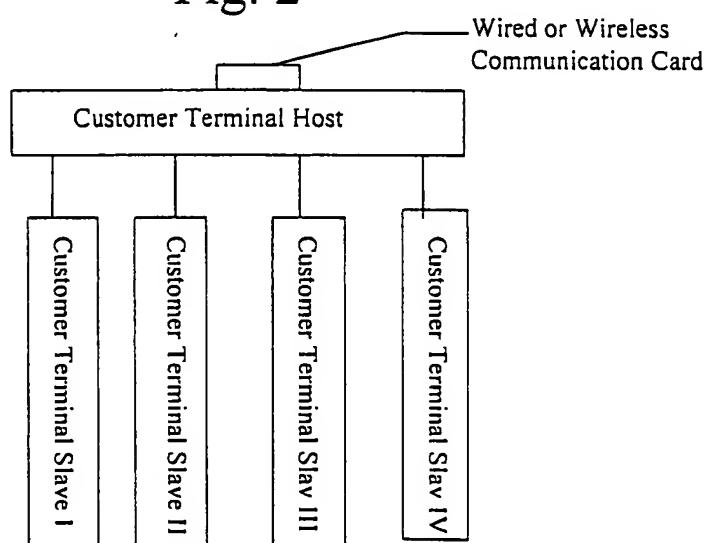


Fig. 3

Drawing Figures Appendix

3 / 9

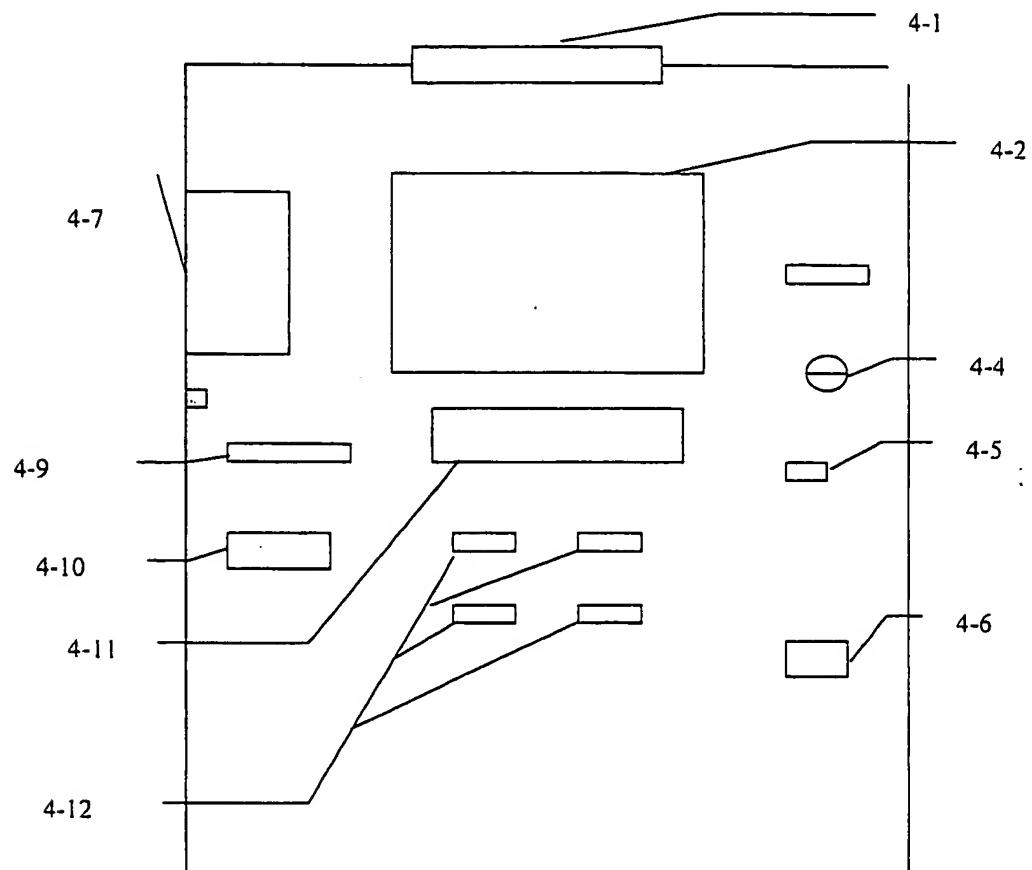


Fig.4

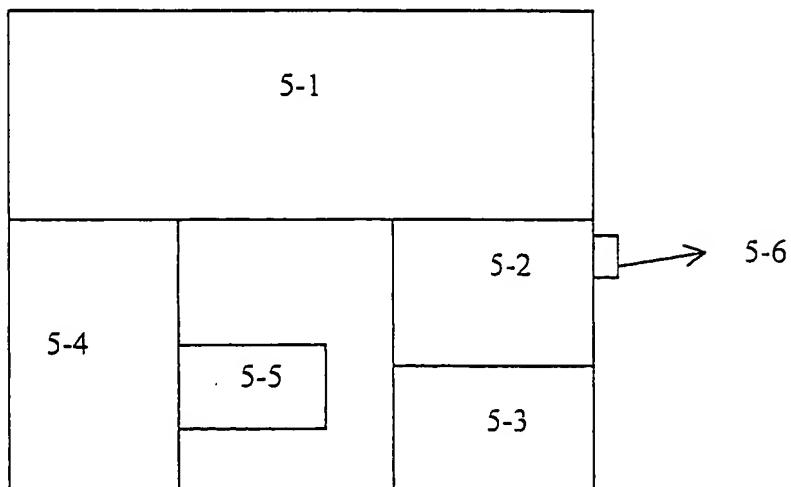


Fig.5

Drawing Figures Appendix

4 / 9

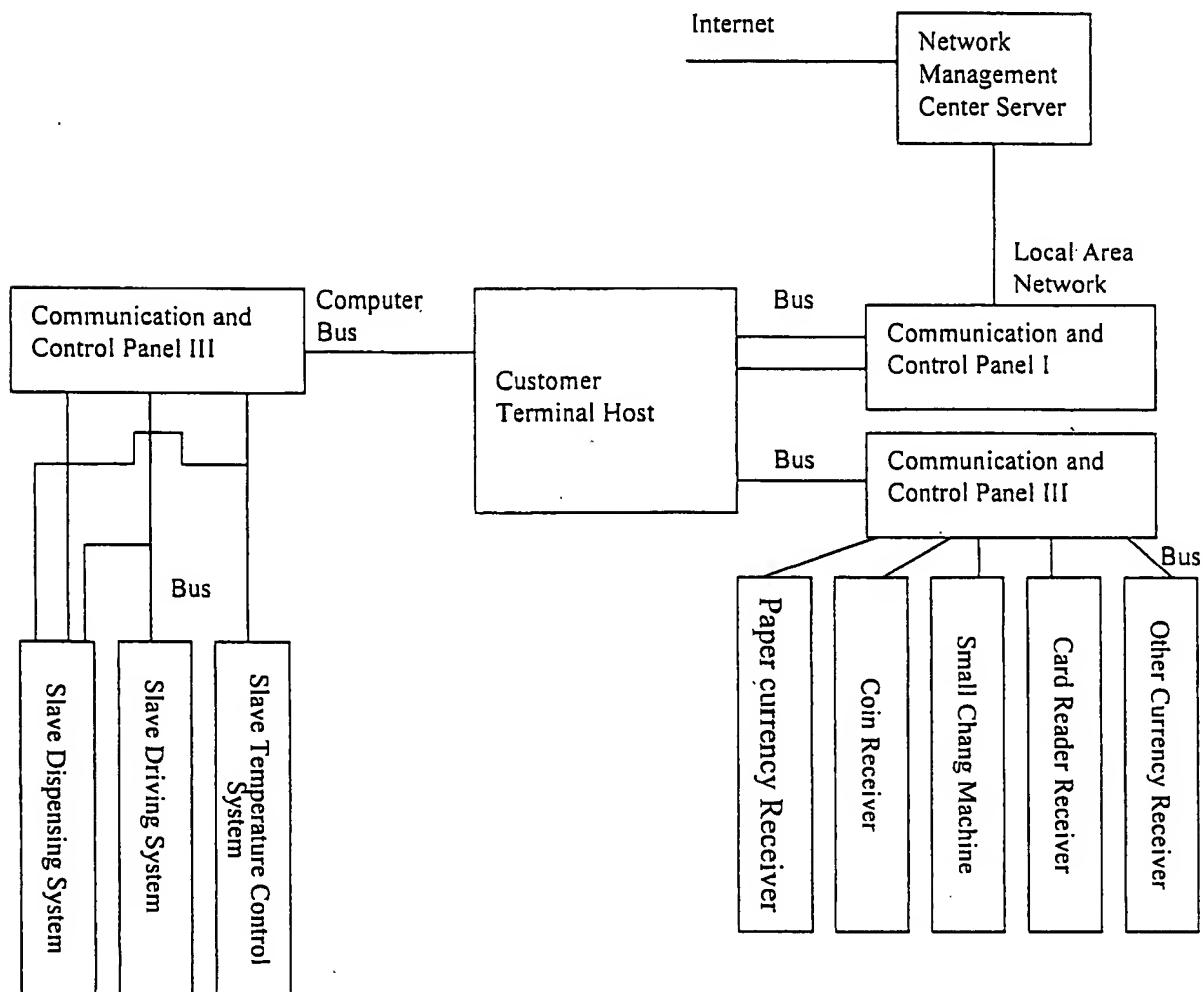


Fig. 6

Drawing Figures Appendix

5 / 9

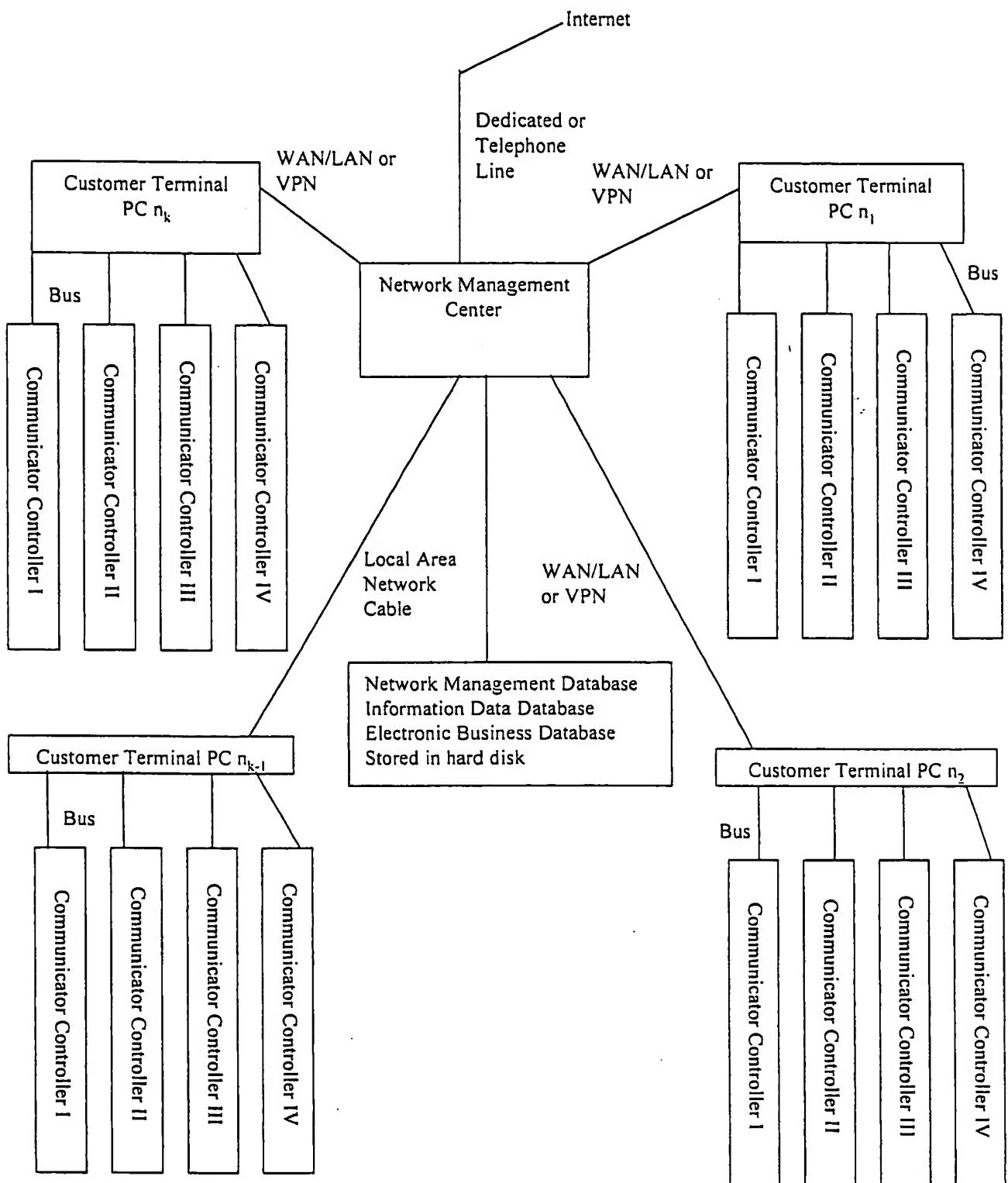


Fig. 7

Drawing Figures Appendix

6 / 9

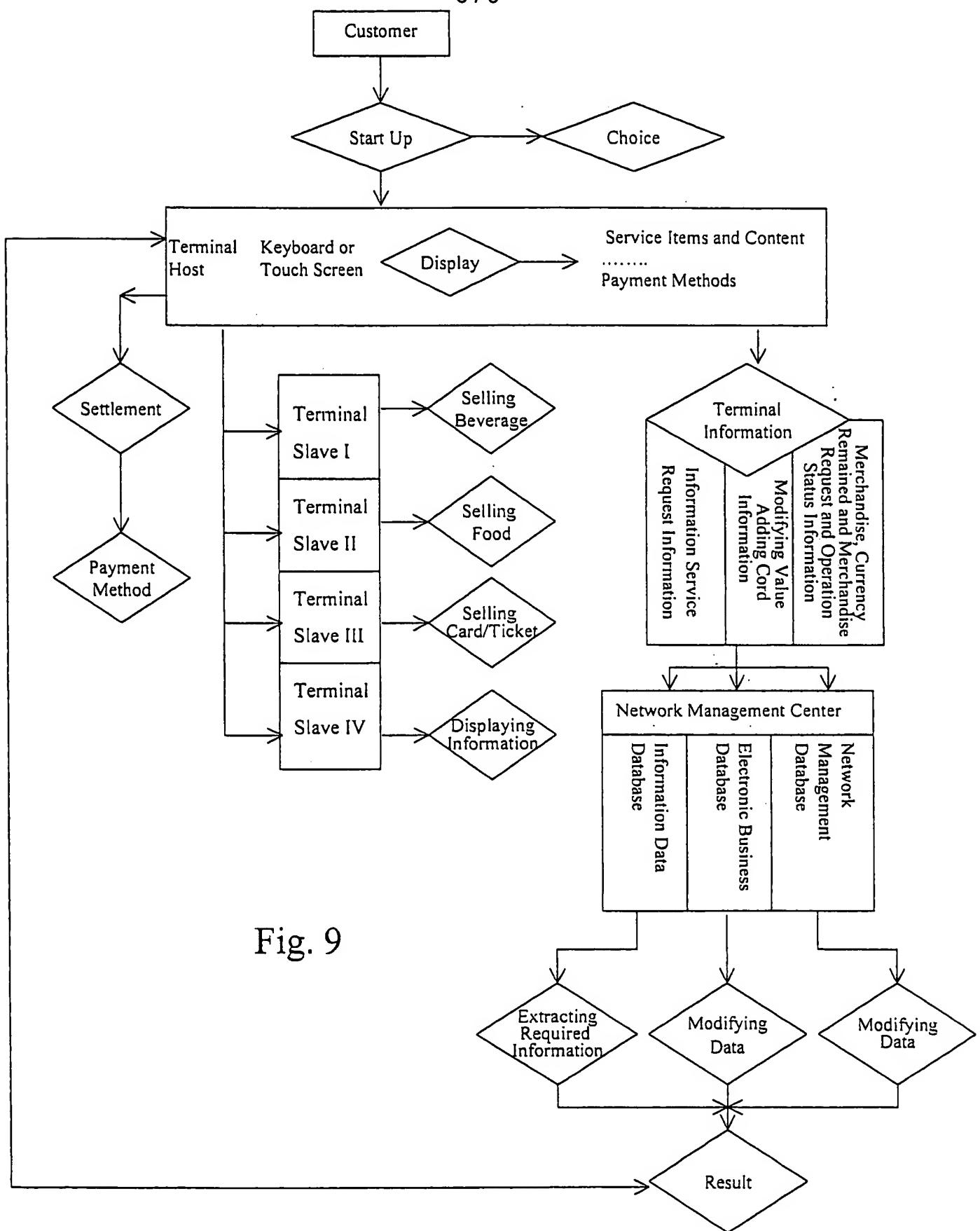


Fig. 9

Drawing Figures Appendix

7 / 9

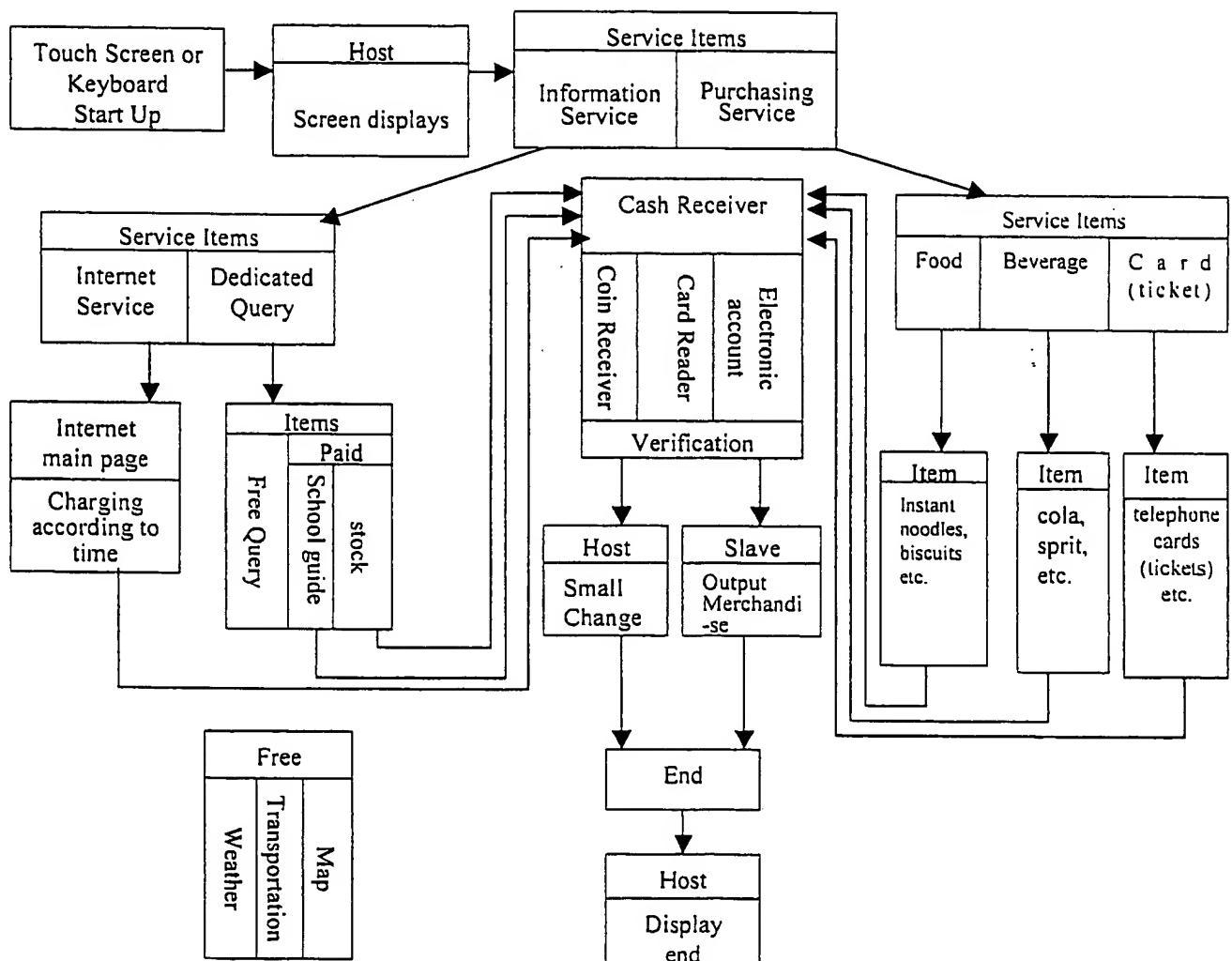


Fig. 10

Drawing Figures Appendix

8 / 9

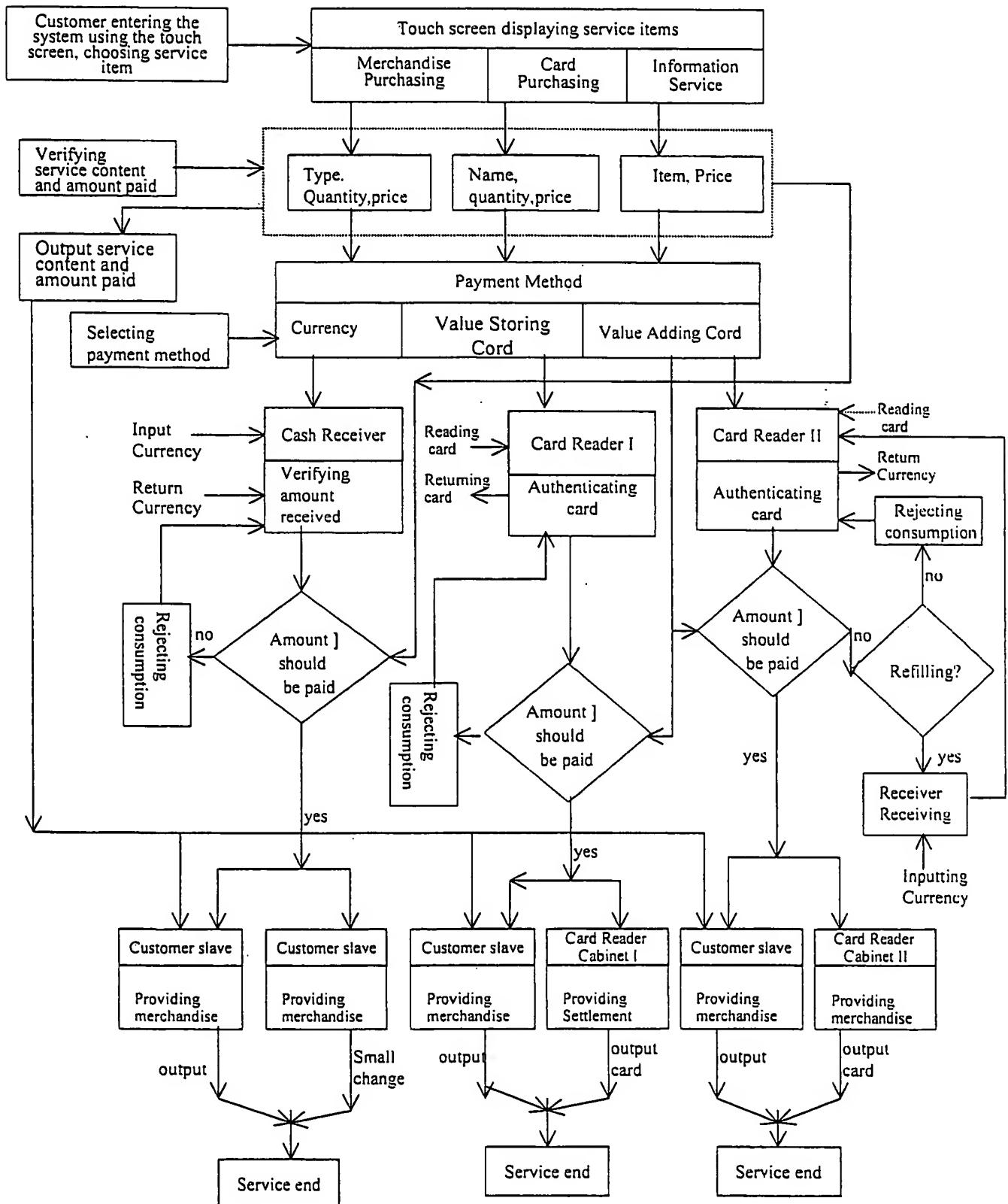


Fig. 11

Drawing Figures Appendix

9 / 9

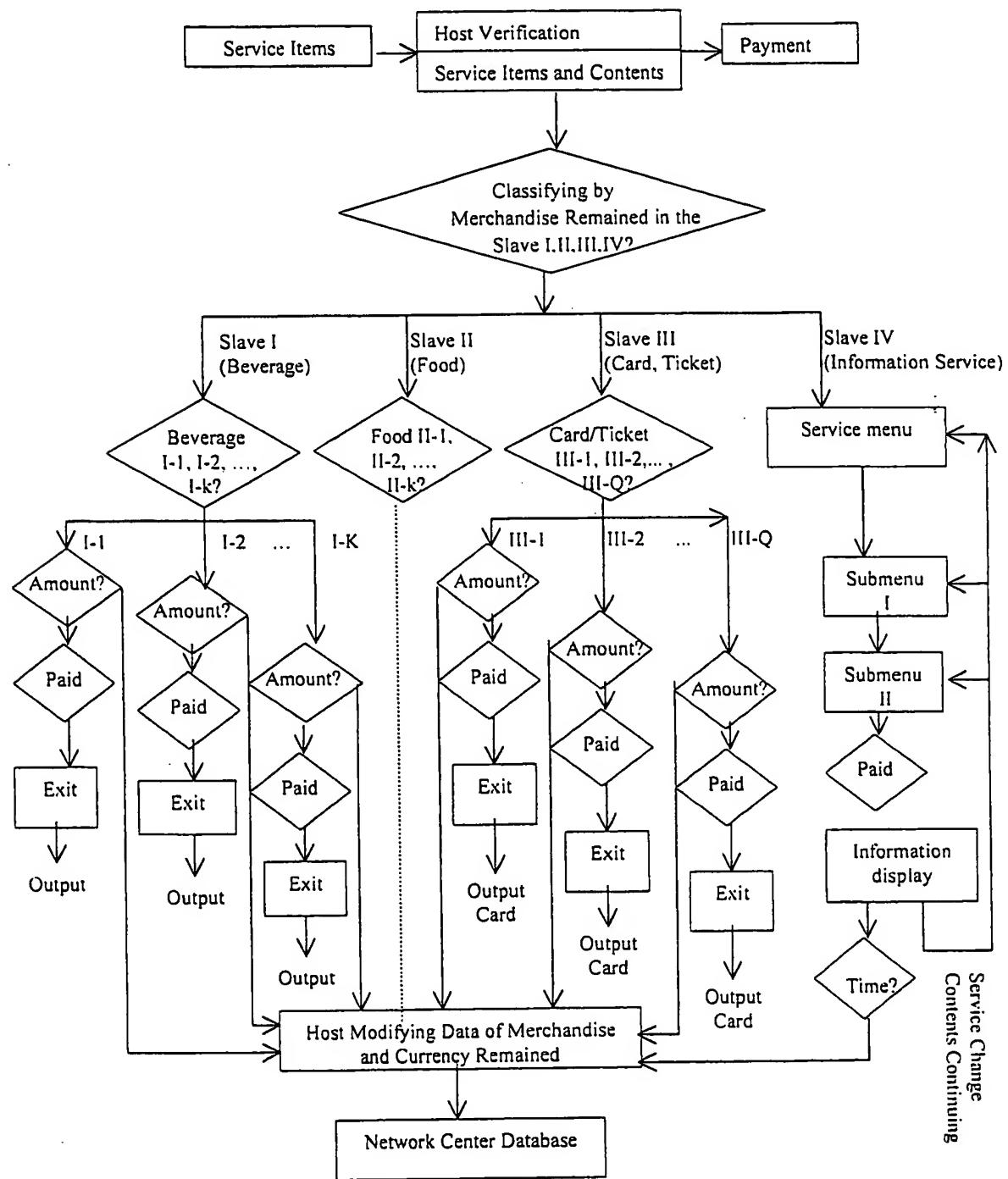


Fig. 12